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5 IN THE UNITED STATES DISTRICT COURT  
6 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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8 ROBERT MYERS,

No. C 07-4905 SI

9 Plaintiff,

**ORDER RE: DEFENDANT'S MOTION  
TO DISMISS**

10 v.

11 MICHAEL ASTRUE, Commissioner, Social  
12 Security Administration,

13 Defendant.  
14 \_\_\_\_\_/

15 Defendant has filed a motion to dismiss this case for lack of jurisdiction on the ground that as  
16 of September 21, 2007, when plaintiff filed this *pro se* action, plaintiff had not exhausted his  
17 administrative remedies under the Social Security Act. Defendant's motion and supporting papers do  
18 not state whether, since the filing of this action, the Agency has issued a final decision on plaintiff's  
19 administrative appeal. The Court directs defendant to file a statement no later than **April 7, 2008**  
20 regarding the status of plaintiff's administrative appeal.

21 **IT IS SO ORDERED.**  
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23 Dated: March 27, 2008  
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27 SUSAN ILLSTON  
28 United States District Judge